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and significant passages in Mr. Bayne's book. There is much to applaud and little to criticize. We are unable to understand why the author constantly refers to Philip II. as "the eldest son of the church" (e. g., pp. 120, 123). There is an unfortunate misprint in the foot-note to page 45. One closes the book with a feeling that there is grave danger of underestimating the importance of political considerations in determining religious policies, even in the period of the Counter Reformation at its height.

ROGER B. MERRIMAN.

*The Rise and Fall of the High Commission.* By ROLAND G. USHER, Ph.D., Associate Professor of History, Washington University, St. Louis. (Oxford: The Clarendon Press. 1913. Pp. 380.)

PROFESSOR USHER has done a careful and needed piece of work in this volume. The High Commission is so foreign in its nature to modern ideas of legal procedure, and ended its career in such execration, that an examination as to its real nature and method of procedure was eminently fitting. The task is the more difficult because of the extensive disappearance of its records, destroyed, the author believes, though definite proof is lacking, in connection with its abolition by the Long Parliament.

Professor Usher makes it evident that the High Commission was a gradual growth rather than a creation of a definite statute. The great changes wrought by the abolition of the Roman jurisdiction and the assertion of the royal supremacy led to the exercise of that supremacy in ecclesiastical matters by royal commissions at first of a more or less temporary character and with extensive and most broadly defined powers of a visitatorial nature. Henry VIII. so used Cromwell, who in turn employed subcommissioners. Edward VI. and Mary employed them, and Elizabeth simply continued the existing practice. "In the history of these commissions, there was no important change at either the year 1559, when the statute of 1 Elizabeth, c. 1, was passed, nor in 1565, when the Elizabethan religious settlement became firmly established." The High Commission was not "created" in 1559.

Gradually, however, the temporary and visitatorial character of the commission became transformed into permanency and prevailingly judicial authority, though both visitatorial and judicial aspects continued long intermingled. The practical evolution of the High Commission into predominantly a court of law, the author would view as accomplished by about 1580. As a court, it was marked by a number of unlikenesses to common-law tribunals. The presumption of guilt was against the accused. Subject to fine and imprisonment for refusal, he had to take oath *ex officio* to answer truthfully before being informed of the accusation. No jury was, of course, in use, and the nature of proof was undefined. The basis for the existence of such a court was

the royal supremacy; and it naturally aroused the hostility not only of those who felt its power like the Puritans and Roman Catholics, but of the judges of the common law, who looked upon the Law and not the royal will as the ultimate fountain of justice. The author gives a careful account of the attack of these common-law judges, especially of Sir Edward Coke, upon the High Commission. It survived, however, and though somewhat curtailed in the range of its jurisdiction, was so increased in membership, and was therefore so enabled to carry on its work in various parts of the kingdom that it was never more active than in its last days, especially under Archbishop Laud.

The author brings no little evidence to show that the High Commission was, on the whole, popular with litigants, was quite as prompt as any court of the kingdom, and was no more severe than the common-law courts, if as rigorous as they. Granted that Puritan and Roman Catholic nonconformists were to be suppressed, it did its work, as a whole, with no greater harshness than other agencies would have done; and these suppressions were only a fraction of its business. Yet, the author points out, while there was no essential change in procedure, the increase and extension of its activity in its last years could but intensify Puritan hostility to it, and that, combined with the deep-rooted antipathy of the supporters of the sole jurisdiction of the common-law courts, swept it out of existence in 1641.

The author has discussed his difficult theme impartially and his judgments seem warranted by the evidence which he is able to present.

WILLISTON WALKER.

*A History of England from the Defeat of the Armada to the Death of Elizabeth.* With an Account of English Institutions during the later Sixteenth and the Early Seventeenth Centuries. By EDWARD P. CHEYNEY, Professor of European History, University of Pennsylvania. Volume I. (New York, London, Bombay, and Calcutta: Longmans, Green, and Company. 1914. Pp. x, 560.)

It is both difficult and tantalizing to review the first installment of any two-volume work, without having any opportunity to become acquainted with the contents of the second. This is, of course, particularly true when the arrangement of the work in question is topical rather than chronological; and it is perhaps truest of all when the book deals with such a period as the last fifteen years of the reign of Queen Elizabeth. For so complex and intricate are the events, so numerous and versatile the actors, so bewilderingly various the currents and cross-currents of religious and political opinion, that one hesitates long before pronouncing judgment on any isolated portion of a work which is concerned with this field. One needs to see the whole book before reaching a verdict, for that verdict, in the last analysis, must be pri-